ON05919

P90-15

ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

SUBMISSION ON BILLS 12 AND 13 TO THE STANDING COMMITTEE ON SOCIAL DEVELOPMENT

December 17, 1990

MEMBER BOARDS

Airy and Sabine District School Area Board
Asquith - Garvey District School Area Board
Atikokan Board of Education
Brant County Board of Education
Bruce County Board of Education
CFB Borden Board of Education
Caramat District School Area Board
Carleton Board of Education
Central Algoma Board of Education
Chapleau Board of Education
Cochrane Iroquois Falls-Black River Matheson Board of Education
Connell and Ponsford District School Area Board
Conseil scolaire de langue francaise d'Ottawa-Carleton*
Dryden Board of Education
Dufferin County Board of Education
Durham Board of Education
East Parry Sound Board of Education
East York Board of Education
Elgin County Board of Education
Espanola Board of Education
Essex County Board of Education
Etobicoke Board of Education
Foleyet District School Area Board
Fort Frances-Rainy River Board of Education
Frontenac County Board of Education
Geraldton Board of Education
Grey County Board of Education
Haldimand Board of Education
Haliburton County Board of Education
Halton Board of Education
Hamilton Board of Education
Hastings County Board of Education
Hearst Board of Education
Hornepayne Board of Education
Huron County Board of Education
James Bay Lowlands Secondary School Board
Kapuskasing Board of Education
Kenora Board of Education
Kent County Board of Education
Kilkenny District School Area Board
Kirkland Lake Board of Education
Lake Superior Board of Education
Lakehead Board of Education
Lambton County Board of Education
Lanark County Board of Education
Leeds & Grenville County Board of Education
Lennox & Addington County Board of Education
Lincoln County Board of Education
London Board of Education
Manitoulin Board of Education
Conseil des ecoles francaises de la communaute urbaine de Toronto
Metropolitan Toronto School Board
Michipicoten Board of Education
Middlesex County Board of Education
Mine Centre District School Area Board
Missarenda District School Area Board
Moose Factory Island District School Area Board
Moosonee District School Area Board
Muskoka Board of Education
Nakina District School Area Board
Niagara South Board of Education
Nipigon-Red Rock Board of Education
Nipissing Board of Education
Norfolk Board of Education
North Shore Board of Education
North York Board of Education
Northern District School Area Board
Northumberland & Newcastle Board of Education
Ottawa Board of Education
Oxford County Board of Education
Peel Board of Education
Perth County Board of Education
Peterborough County Board of Education
Prescott & Russell County Board of Education
Prince Edward County Board of Education
Red Lake Board of Education
Renfrew County Board of Education
Sault Ste. Marie Board of Education
Scarborough Board of Education
Simcoe County Board of Education
Stormont, Dundas & Glengarry County Board of Education
Sudbury Board of Education
Timiskaming Board of Education
Timmins Board of Education
Toronto Board of Education
Umfreville District School Area Board
Upsala District School Area Board
Victoria County Board of Education
Waterloo County Board of Education
Wellington County Board of Education
Wentworth County Board of Education
West Parry Sound Board of Education
Windsor Board of Education
York Region Board of Education

*Membership effective January 1991

ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

Submission on Bills 12 and 13 to the Standing Committee on Social Development

Introduction

OPSBA is pleased to make a presentation to the Standing Committee on Social Development regarding Bills 12 and 13. We appreciate the opportunity provided by the Legislature for further consideration of these Bills by Committee before Third Reading. We want to applaud the government for its intent to honour both the moral and legal obligation to the francophone minority of this province so that the creation of school boards where numbers warrant and where suitable local arrangements can be negotiated, can take place in time for the municipal election in November 1991.

OPSBA fully understands the timetable constraints facing the government. We share the concern of all Members that legislative changes affecting the 1991 school board elections should be passed in ample time to ensure orderly implementation. Obviously the provincial election, the subsequent transfer of government and the development of the new government's policy and legislative agenda has necessitated a tighter consultation schedule with respect to these Bills. OPSBA would like to recognize the willingness of the Minister, her staff and officials in the Ministry to consider, at this late date, the advice of school boards on specific aspects of these Bills.

Within the time available, we have given serious consideration to Bills 12 and 13 and we have looked at ways in which they can be addressed while respecting fully the intent of the Minister of Education. There are three issues involving Bill 12 for which we believe there are satisfactory amendments.

1. Section 2: Creation of French-language School Boards

As a matter of principle we believe that new governance structures for education should be created through the legislative process and not by regulation. Since there is now insufficient time to use this process for Boards to be created for 1991 municipal election, we support an amendment of Section 2 limiting its application to the municipal term or until subsequent legislation for the establishment of French- language school boards is enacted.

Recommendation

That Section 2 of the Bill, amending Subsection (11a) of the Education Act be revised to limit the time by which a French-language school board could be established by regulation.

2. Section 5: Extension by Purchase of Service

The provisions set out in Bill 12 for extension of separate school education by purchase of service agreements between boards provides the necessary legal framework to accommodate the anomalous situation in Haldimand-Norfolk. The separate and public boards in this area are satisfied with the outcome of local negotiations between the boards and Ministry of Education. Obviously if extension by purchase of service is to be available to some Roman Catholic School Boards, then it should be available to others. That is not the issue.

We have studied the legislation to the best of our ability in the time available and we remain convinced that the role of the Planning and Implementation Commission on advising the Minister of Education is unclear. It seems that a board may be able to extend its secondary grades by purchase of service and subsequently decide to operate its own secondary school grades. Only then is the involvement of PIC required.

This may be a minimal concern where the purchase of service is with a neighbouring separate board. However the remaining "unextended" separate boards are in Northern Ontario where because of geography, purchase of service is likely to be from the coterminous public board. The result of extension by purchase by service will have three consequences:

1. Extension will not provide separate school education to the students.

2. Extension will produce a loss of secondary assessment to the public board.

3. Extension will produce the loss of separate school representatives from the public board.

We would remind the Committee that the Planning and Implementation Commission has already advised against extension in some of these jurisdictions because of the likely loss of viability of public secondary schools.

We believe as well that extension by purchase of service may also affect the viability of public secondary schools and therefore should not be permitted without prior advice by the Planning and Implementation Commission. The process involves impact studies and representations by affected school boards.

Recommendation

Two options are available for meeting this concern. (1) The new provision be explicitly limited to Haldimand-Norfolk RCSSB, leaving the broader issue to be resolved in future amendments. (2) Amend this section by adding the clause(s) necessary to ensure that a decision to implement extension by purchase of service must be referred to the Planning and Implementation Commission for its advice to the Minister.

3. Section 3: Determination of School Board Composition

We have narrowed our concern to a single issue - that of timelines for determination of total board size and the distribution of trustees. We fully support the Minister's intent to provide earlier dates for board decision-making on these matters. However for the earlier dates to result in decisions that respect the public interest in fair representation, the timelines must be such that all necessary data are available to the school board before the date required for the adoption of resolutions.

We have now had the opportunity to review the timelines set out in Bills 12 and 13 with officials of the Ministry of Education.

Recommendation

That the deadline by which a school board may decide to increase or decrease the total number of trustee positions and designate areas as low population, must be at least one month after all available data related to population are provided to the school board by the Assessment Commissioner.